

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 444 be amended to read as follows:

- 1 Page 9, delete lines 32 through 42.
- 2 Page 10, delete lines 1 through 24.
- 3 Page 13, between lines 27 and 28, begin a new paragraph and
- 4 insert:
- 5 "SECTION 14. IC 35-48-4-14.7 IS ADDED TO THE
- 6 INDIANA CODE AS A NEW SECTION TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 14.7. (a) This**
- 8 **section does not**
- 9 **apply to:**
- 10 (1) the sale of a drug containing ephedrine or
- 11 pseudoephedrine to a licensed health care provider,
- 12 pharmacist, retail distributor, wholesaler, or manufacturer
- 13 or an agent of any of these persons if the sale occurs in the
- 14 regular course of lawful business activities; or
- 15 (2) the sale of a drug containing ephedrine or
- 16 pseudoephedrine by a person who does not sell exclusively
- 17 to walk-in customers for the personal use of the walk-in
- 18 customers.
- 19 (b) As used in this section, "constant video monitoring" means
- 20 the surveillance by an automated camera that:
- 21 (1) records at least one (1) photograph or digital image
- 22 every
- 23 ten (10) seconds;
- 24 (2) retains a photograph or digital image for at least
- 25 seventy-two (72) hours;

1 (3) has sufficient resolution and magnification to permit the  
2 identification of a person in the area under surveillance;  
3 and

4 (4) stores a recorded photograph or digital image at a  
5 location

6 that is immediately accessible to a law enforcement officer.

7 (c) As used in this section, "ephedrine" means pure or  
8 adulterated ephedrine.

9 (d) As used in this section, "pseudoephedrine" means pure or  
10 adulterated pseudoephedrine.

11 (e) A person may sell a drug that contains the active  
12 ingredient of ephedrine, pseudoephedrine, or both, only if the  
13 person complies with the following conditions:

14 (1) The drug is sold in a container or package that contains  
15 not more than three (3) grams of ephedrine or  
16 pseudoephedrine.

17 (2) Not more than two (2) packages are sold in one (1)  
18 transaction.

19 (3) If the sales transaction occurs at a self-service checkout  
20 station, the self-service checkout station prevents the person  
21 from purchasing more than:

22 (A) one (1) package of the drug without the assistance of  
23 an employee; and

24 (B) two (2) packages of the drug.

25 (4) The person restricts access to the drug in one (1) or  
26 more of the following ways:

27 (A) The person stores the drug in an area not accessible to  
28 a customer.

29 (B) The person displays the drug in a locked case.

30 (C) The person requires a customer to produce a state or  
31 federal identification card when purchasing the drug, and  
32 the person records the customer's identification in a log  
33 that:

34 (i) may be inspected by a law enforcement official in  
35 accordance with state and federal law; and

36 (ii) must be maintained for at least two (2) years.

37 (D) The drug is sold in single or double dosage packaging.

38 (E) The person adopts at least two (2) of the following  
39 restrictions:

40 (i) The drug is stored not more than thirty (30) feet  
41 away from a checkout station or counter and is in the  
42 direct line of sight of an employee at the checkout  
43 station or counter.

44 (ii) The drug is protected by a reliable anti-theft device  
45 that uses package tags and detection alarms designed to  
46 prevent theft.

47 (iii) The drug is stored in restricted access shelving that  
48 permits a customer to remove not more than one (1)  
49 package every fifteen (15) seconds.

50 (iv) The drug is stored in an area that is under constant  
51 video monitoring, and a sign placed near the drug

- 1           **warns that the area is under constant video monitoring.**  
 2           **(f) A person who violates this section commits a Class B**  
 3           **infraction. However, the offense is a Class A misdemeanor if**  
 4           **the person:**  
 5               **(1) has a prior unrelated judgment or conviction under this**  
 6               **section; and**  
 7               **(2) knowingly or intentionally violates this section.**  
 8           **(g) A unit (as defined in IC 36-1-2-23) may not adopt an**  
 9           **ordinance after June 30, 2005, that is more stringent than this**  
 10           **section.**  
 11           SECTION 15. [EFFECTIVE JULY 1, 2005] **IC 35-48-4-14.7,**  
 12           **as added by this act, applies only to an offense committed after**  
 13           **June 30, 2005."**  
 14               Page 13, delete lines 28 through 42.  
 15               Page 14, delete lines 1 through 23.  
 16               Renumber all SECTIONS consecutively.  
               (Reference is to Engrossed Senate Bill 444 as printed March 11,  
               2005.)

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Representative TORR